

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

JENSEN STRIEGEL,)	
)	
Plaintiff,)	
)	
v.)	No. 4:23-cv-00137-TWP-KMB
)	
IRAM C WHITE,)	
MILLER TRANSPORTATION, INC.,)	
DONALD RAY KELLEY,)	
)	
Defendants.)	

ENTRY ON JURISDICTION

It has come to the Court's attention that Plaintiff's Amended Complaint fails to allege all of the facts necessary to determine whether this Court has subject matter jurisdiction over this case. Plaintiff initiated this action by filing her original Complaint against Defendants Iram C. White ("White") and Miller Transportation, Inc. ("Miller Transportation"), in the Floyd County Circuit Court under Cause No. 22C01-2306-CT-000752 ([Filing No. 1-1](#)). On August 16, 2023, White and Miller filed their Notice of Removal and removed this action to federal court on the basis of diversity jurisdiction ([Filing No. 1](#)). The Notice of Removal alleges that Plaintiff is a citizen of Indiana, and that White and Miller Transportation are citizens of Ohio and Kentucky, respectively. *Id.* at 2.


On February 19, 2024, Plaintiff moved for leave to amend her Complaint to add Donal Ray Kelley ("Kelley") as a defendant ([Filing No. 30](#); [Filing No. 31](#)). On March 11, 2024, the Magistrate Judge granted Plaintiff's motion for leave to amend ([Filing No. 36](#)). The Amended Complaint alleges that this Court has jurisdiction based upon diversity of citizenship. However, the Amended Complaint fails to sufficiently allege the citizenship of Kelley. Citizenship is the operative consideration for jurisdictional purposes. *See Meyerson v. Harrah's East Chicago Casino*, 299 F.3d

616, 617 (7th Cir. 2002) ("residence and citizenship are not synonyms and it is the latter that matters for purposes of the diversity jurisdiction"). The Amended Complaint alleges, "Donald Ray Kelley is a resident of Alabama, residing at 1250 County Highway 34, Haleyville, Alabama, 35565 ([Filing No. 31 at 2](#)). This allegation is insufficient to allege the citizenship of Kelley to allow the Court to determine whether diversity jurisdiction exists because the allegation fails to state the citizenship of Kelley, rather than his residence.

As the party asking this Court to invoke its jurisdiction, the Plaintiff must properly allege the citizenship of each of the parties to establish subject matter jurisdiction. *See Schur v. L.A. Weight Loss Ctrs., Inc.*, 577 F.3d 752, 758 (7th Cir. 2009); *Doe v. Allied-Signal, Inc.*, 985 F.2d 908, 911 (7th Cir. 1993). Therefore, the Plaintiff is **ORDERED** to file a Supplemental Jurisdictional Statement that establishes the Court's jurisdiction over this case. This statement should specifically identify the citizenship of Defendant Kelley. This jurisdictional statement is due fourteen (14) days from the date of this Entry.

SO ORDERED.

Date: 4/1/2024


Hon. Tanya Walton Pratt, Chief Judge
United States District Court
Southern District of Indiana

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